

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31079 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- MAHILA P.S. District- Saharsa

TANMAY KUMAR MUKHARJEE @ TANMAY MUKHARJEE Son of Late Tarun Kumar Mukharjee Resident of Village and P.S. - Bihpur, District - Bhagalpur at present working to the post of clerk in Koshi Command area development agency, Department of water Resources, Saharsa and residing near Koshi Chauk, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nisha Mukharjee Wife of Tanmay Kumar Mukharjee @ Tanmay Mukharjee, Daughter of Late Varun Bhattacharya Resident of Village - Kabir Chauk, P.S. and District - Saharsa at present residing at Kayasth Tola, P.S. and District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra- Advocate
For the Opposite Party/s	:	Mr. Diwakar Prasad Singh- Advocate
For the State	:	Mr. Prem Kumar Jha- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-08-2021 Heard Mr. Ashok Kumar Mishra, the learned Advocate for the petitioner, Mr. Diwakar Prasad Singh, the learned Advocate for the opposite party no.2 and Mr. Prem Kumar Jha, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mahila (Saharsa) P. S. Case No.03 of 2020, instituted for the offences under Sections 498(A), 323, 313, 504, 506/ 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



At the outset, the learned Advocate for the petitioner has submitted that he is not averse to the talks of settlement with his wife/ opposite party no.2, provided she is agreeable for the same. He also wants a rapprochement and perhaps restitution of conjugal rights.

Considering the aforesaid stand of the petitioner, this Court directs that if he surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife (opposite party no.2) shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of wife/ opposite party no.2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the wife/ opposite party no.2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be



genuine, his provisional bail shall be confirmed by the Court below.

With the aforesaid observation/ direction, the application stands disposed off.

(Ashutosh Kumar, J)

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